

### **REMARKS**

Claims 21-24, 27, 28, 30, 32-35, 37, and 38 are currently pending in this application. Claims 21 and 38 have been amended. More specifically, claims 21 and 38 have been amended to further clarify certain features of these claims to expedite prosecution, and without prejudice to pursuing these claims in unamended or other forms in a continuation, divisional, or other application. No claims have been added or cancelled.

In the Office Action mailed September 17, 2008, pending claims 21-24, 27, 28, 30, 32-35, 37 and 38 were rejected. More specifically, the status of the application in light of this Office Action is as follows:

- (A) Claims 21-24 were rejected under 35 U.S.C. § 103(a) over the combination of U.S. Pat. No. 7,269,442 to Sato ("Sato"), U.S. Pat. App. Pub. No. 2004/0097258 to Lee ("Lee"), and U.S. Pat. No. 6,259,794 to Dobbins ("Dobbins"); and
- (B) Claims 27, 28, 30, 32-35, 37, and 38 were rejected under 35 U.S.C. § 103(a) over the combination of Sato, Lee, Dobbins and U.S. Pat. App. Pub. No. 2002/0158987 to Shimizu ("Shimizu").

The undersigned attorney wishes to thank Examiners Wang and Vu for engaging in a telephone conference on November 6, 2008 to discuss the present Office Action and distinctions between the pending claims and the applied references. The applicant requests that this paper constitute the applicant's Interview Summary. If the Examiners notice any deficiencies with this paper in this regard, they are encouraged to contact the undersigned attorney to correct such deficiencies.

A. Response to the Section 103 Rejections of Claims 21-24 (Sato, Lee, and Dobbins)

Claims 21-24 were rejected under 35 U.S.C. § 103(a) over the combination of Sato, Lee, and Dobbins. Without conceding the merits of these rejections, applicant has elected to amend claim 21 to recite "wherein the first axle has a first end and the second axle has a second end, and wherein the first and second ends are configured to be operably coupled to the portable electronic device." During the November 6th telephone conference, the Examiners indicated that such an amendment would put claim 21 in condition for allowance. Accordingly, applicant respectfully requests that the Section 103 rejection of claim 21 be withdrawn.

Claims 22-24 depend from base claim 21. Accordingly, the Section 103 rejections of dependent claims 22-24 should be withdrawn for at least the foregoing reasons, and for the additional features of these dependent claims.

B. Response to the Section 103 Rejections of Claims 27, 28, 30, 32-35, 37, and 38 (Sato, Lee, Dobbins, and Shimizu)

Claims 27, 28, 30, 32-35, 37, and 38 were rejected under 35 U.S.C. § 103(a) over the combination of Sato, Lee, Dobbins, and Shimizu. Without conceding the merits of these rejections, applicant has elected to amend claim 38 to include features at least generally similar to features in claim 21. For example, claim 38 has been amended to recite "wherein the first axle has a first end" in combination with "wherein the second axle has a second end" and "wherein the first and second ends are configured to be operably coupled to the portable electronic device." Accordingly, claim 38 should be also be in condition for allowance. Therefore, applicant respectfully requests that the Section 103 rejection of claim 38 be withdrawn.

Claims 32-35 depend from base claim 38. Accordingly, the Section 103 rejections of claims 32-35 should be withdrawn for at least the foregoing reasons, and for the additional features of these dependent claims.

Claim 27 recites "the apparatus is configured to be fixedly positioned and not rotatable in the portable electronic device." The Office Action correctly notes that these features are not taught or suggested in Sato, Lee, or Dobbins. (Office Action, p. 7.) According to the Office Action, Shimizu describes a video camera that can be fixedly attached to a screen of a personal computer and that is not rotatable. (*Id.*) The Office Action is incorrect. As discussed during the November 6th telephone conference, Shimizu describes a video camera 72 that can be attached to a screen 14. (Shimizu, Figs. 8 and 9 and paragraphs [0050] to [0068].) The video camera 72 includes a camera body 74 and a camera head 76, and the camera head 76 includes a rotatable part 90. (*Id.*) The rotatable part 90 is rotatable about a 210° range. (Shimizu, paragraph [0052].) The range of motion for the video camera 72 is clearly shown in Figure 9 of Shimizu, which illustrates the angles  $\theta_f$  and  $\theta_b$  about which the rotatable part 90 may rotate. (Shimizu, Fig. 9.) Because Shimizu describes that the video camera 72 is rotatable, Shimizu does not teach or suggest "the apparatus is configured to be fixedly positioned and not rotatable in the portable electronic device," and in fact teaches away from these features. For at least the foregoing reasons, the Section 103 rejection of claim 27 should be withdrawn.

Claim 28 depends from base claim 27. Accordingly, the Section 103 rejection of dependent claim 28 should be withdrawn for at least the foregoing reasons, and for the additional features of this dependent claim.

Independent claims 30 and 37 include several features generally similar to those of claim 27 (e.g., fixedly positioned and not rotatable). Accordingly, claims 30 and 37 are patentable over Sato, Lee, Dobbins, and Shimizu for at least the reasons discussed above with respect to claim 27, and for the additional features of these independent claims. Therefore, the Section 103 rejections of claims 30 and 37 should be withdrawn.

**Conclusion**

In view of the foregoing, the pending claims comply with the requirements of 35 U.S.C. § 112 and are patentable over the applied art. The applicants accordingly request reconsideration of the application and a mailing of a Notice of Allowance. If the Examiner has any questions or believes a telephone conference would expedite prosecution of this application, the Examiner is encouraged to contact Aaron J. Poledna at (206) 359-3982.

Respectfully submitted,

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